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10 UNITED STATES DISTRICT COURT  
11 DISTRICT OF ARIZONA  
12

13 United States of America,

14 Plaintiff,

15 v.

16 Melvin Woods,

17 Defendants.

CR 19-00504-PHX-DWL

**SENTENCING MEMORANDUM**

18 The Defendant by and through undersigned counsel, hereby submits the following  
19 sentencing memorandum. The defendant requests the Court sentence the defendant to 60  
20 months imprisonment.

**Pertinent Facts**

21 Melvin Woods is a 29 year old former Student Body President of Trevor Brown  
22 High School (2009). He has one son Messiah 3 years old. Melvin is an intelligent,  
23 articulate and quite insightful person.

24 On August 1, 2019, Melvin made the mistake of his life. He had been using and  
25 selling marijuana and he would also sell fentanyl pills if he had occasion to get a hold of  
26 some. Tragically, on that August 1, the victim made contact with Melvin through social  
27 media and the victim and Melvin made arrangements for sale of three fentanyl pills. The

1 sale took less than two minutes with Melvin coming to the victim's place of employment  
2 making the sale and leaving. The victim immediately went into the bathroom to smoke  
3 one of the pills and collapsed immediately. He was pronounced dead at the scene when  
4 first responders came to the store.

## 5 **Argument**

6 Melvin Woods understands he is before the Court to receive punishment for his  
7 actions in this matter. However, he is requesting the Court consider all of the 18 U.S.C.  
8 3553(a) factors specifically rehabilitation, and the needs of the defendant. Melvin has  
9 expressed remorse that he took a specific and unjustifiable risk in selling the victim  
10 fentanyl. In this instance the worst possible outcome happened. While incarcerated Melvin  
11 has had time to reflect upon his actions. The certificates provided show that he has chosen  
12 to use his time productively. He will continue to do so. The letters of character are from  
13 family members whom have chosen to express to the Court their love and respect for the  
14 Melvin Woods they know.

15 The government has graciously provided a sentencing compendium which allows  
16 the Court to review other sentencings involving the sale of fentanyl and a resulting death.  
17 What makes this case somewhat unique is that 1) only a non-violent sale took place, the  
18 defendant was not armed and all actions between the defendant and the victim were  
19 consensual. 2) the defendant has no significant criminal history. Although Melvin admits  
20 he has sold marijuana on prior occasions all indications were that he was a small time dealer  
21 seeking to provide for his own marijuana. He admitted he occasionally sold fentanyl pills  
22 when he came in contact with them and had an occasion to sell. Third, when confronted by  
23 DEA agents he readily admitted to his criminal actions even after informed that the fentanyl  
24 he sold the victim resulted in the victim's death. He did not try to make any excuses for his  
25 behavior. Counsel admits he is at a loss when trying to recommend what an appropriate  
26 punishment should be for the defendant when the victim fully participated in his own death.  
27

1 However, a sentence of 60 months may be appropriate under these circumstances to  
2 adequately punish Melvin Woods and to deter others from participating in this type of  
3 crime. Counsel submits that a sentence of 60 months would not offend or undermine the  
4 sentencing purposes of 18 U.S.C. 3553(a).

5  
6 Respectfully submitted this 19th day of November, 2019.

7  
8 By: s/Loyd C. Tate  
9 Loyd C. Tate  
10 Attorney for Defendant

11 I hereby certify on June 19<sup>th</sup>, 2019, I electronically transmitted the attached  
12 documents to the Clerk's Office using the CM/ECF System for filing and transmittal of a  
13 Notice of Electronic Filing to the following CM/ECF registrants:

14 The Honorable Dominic W. Lanza  
United States District Judge  
15 Don Pashayan  
16 Assistant U.S. Attorney  
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